

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/662,457	LOMBARDI ET AL.
	Examiner Essama Omgbga	Art Unit 3726

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendments filed November 29, 2005.
2.  The allowed claim(s) is/are 43-87.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 2/17/06.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jack Barufka on February 17, 2006.

The application has been amended as follows:

In the claims

Claim 61: line 39, --in comparison with the first portion-- has been inserted after "carbon".

Claim 80: line 8, "lower" has been changed to --higher--, line 33, --in comparison with the first portion-- has been inserted after "carbon".

Claim 85: line 44, "lower" has been changed to --higher--, line 45, "higher" has been changed to --lower--; and --in comparison with the cutting edge portions-- has been inserted after "carbon".

Claim 86: line 44, "lower" has been changed to --higher--, line 45, "higher" has been changed to --lower--, and --in comparison with the cutting edge portions-- has been inserted after "carbon".

Claim 87: line 42, "lower" has been changed to --higher--,

line 43, "higher" has been changed to --lower--, and --in comparison with the cutting edge portions-- has been inserted after "carbon".

2. The following changes to the drawings have been approved by the examiner and agreed upon by Applicant: formal drawings are required in the instant application. In order to avoid abandonment of the application, Applicant must make these above agreed upon drawing changes.
3. The following is an examiner's statement of reasons for allowance: for claim 43, the prior art does not teach a method of making a tool, the method comprising providing a pair of blade members and a tool body, each blade member being constructed of one or more metallic materials and having a backing portion and a cutting edge portion, welding each of the blade members to an associated jaw portion, wherein the backing portion of each of the blade members contains a relatively lower amount of carbon in comparison with the amount of carbon in the cutting edge portion of the blade members, these in combination with the rest of the limitations in the claim. For claim 61, the prior art does not teach a method of making a tool, the method comprising forming first and second elongated longitudinal members, each member being an integral structure constructed of a metallic material and having a handle portion at one end and a jaw portion at an opposite end, providing a pair of blade members, each blade member having a cutting edge portion providing a cutting edge, each blade member being constructed of one or more metallic materials, welding a blade member to the jaw portion of each elongated member, and wherein a first portion of each blade member

contains a relatively lower amount of carbon and a second portion of each of the blade members contains a relatively higher amount of carbon in comparison with the first portion, these in combination with the rest of the limitations in the claim. For claim 75, Applicant's arguments filed on November 29, 2005 are persuasive, specifically see section B of the remarks. Therefore the 103 rejection of claim 75 is hereby withdrawn. For claim 80, the prior art does not teach a method of welding a workpiece engaging structure to a tool body, the workpiece engaging structure being constructed of at least one metallic material, wherein the workpiece engaging structure includes a first portion containing a relatively lower amount of carbon and a second portion containing a relatively higher amount of carbon in comparison with the first portion, these in combination with the rest of the limitations in the claim. For claims 85-87, the prior art does not teach a tool for working on a workpiece, the tool comprising a pair of separate blade members, each blade member having a cutting edge portion providing a cutting edge, wherein the cutting edge portions contain a relatively lower amount of carbon and other portions of the blade contain a relatively higher amount of carbon in comparison to the cutting edge portions, these in combination with the rest of the limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgbal whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgbal  
Primary Examiner  
Art Unit 3726

eo  
February 17, 2006